

CHAPTER 8 ABSENT VOTER COUNTING BOARDS

TABLE OF CONTENTS

Establishment of Absent Voter Counting Boards:	1
Absent Voter Counting Board Procedures:.....	3
Maintaining Ballot Secrecy:	6
Ballots Received After Processing Begins:	7
Emergency Requests:.....	7

ESTABLISHMENT OF ABSENT VOTER COUNTING BOARDS: Absent voter ballots may be processed and counted by the board of election inspectors appointed to serve at the voter's assigned precinct or by an absent voter counting board at an absent voter counting board precinct. An absent voter counting board is a precinct that may be established by the election commission of a city or township for the purpose of processing and counting absent voter ballots.

AV Counting Board Structure: Starting July 1, 2014 a jurisdiction that uses AV counting boards must establish an AV counting board for each precinct on a one for one basis. (Jurisdictions of 250 or more precincts are exempt.) Precinct ballots are sent to voters and the returned ballot is sent to the AV counting board for processing and tabulation; no special AV ballot is required. (MCL 168.792a)

Because the AV counting boards are legally constituted precincts from a reporting standpoint they must report their results separately from the precinct. In addition combined totals of the precinct and the associated AV counting board must also be produced. After the election results must be reported as follows:

- Precinct totals
- AV counting board totals
- Combined Precinct and AV counting board totals

AV counting boards must have their own poll books, ballot containers, tabulators and Statement of Votes forms.

Duties of Local Election Commission: The decision to establish an absent voter counting board is the election commission's responsibility. A counting board must be established for each precinct.

The commission must appoint a minimum of three inspectors to each counting board. A single group of individuals may serve as the AV counting board for multiple precincts. Appointments must be made under the same procedures established for the appointment of the precinct inspectors who will serve in the polls. The commission is also responsible for providing a suitable place where the counting board will meet to process and count ballots. Such locations are called an "absent voters' counting place." More than one absent voter counting board may be located in the same building or room.

The commission is required to establish the time that the inspectors must report for duty. The work of the board may begin as early as 7:00 a.m., however, a counting place is not permitted to close until 8:00 p.m.

Clerk's Duties: The clerk is responsible for providing the absent voter counting board with all necessary supplies. In addition, election inspectors at an AV counting board should receive special instruction on tasks specific to working at an AVCB.

Oath Required: An election inspector appointed to a counting board, a challenger, or any other person in attendance at a counting place at any time after the processing of ballots has begun must take and sign the following oath:

"I (name of person taking oath) do solemnly swear (or affirm) that I shall not communicate in any way any information relative to the processing or tallying of votes that may come to me while in this counting place until after the polls are closed."

The completed oaths are delivered to the clerk in an envelope which has been sealed with a red paper seal.

Prohibition: A person in attendance at a counting place after the counting (tabulation) has begun is not permitted to leave the counting place until the polls close at 8:00 p.m. A person who discloses an election result or in any manner characterizes how any ballots being counted have been voted before 8:00 p.m. is guilty of a felony. (MCL 168.792a(11))

As an *exception* to the above, a local election official who established the counting board, a deputy or employee of the local election official, or an employee of the State Bureau of Elections may enter and

leave a counting place after the counting has begun but before the polls close. Such persons may enter a counting place only for the purpose of responding to an inquiry from an election inspector or a challenger or to provide instructions on the operation of the counting board.

Cell Phones: *Challengers and poll watchers may not be in possession of or have access to cell phones or other communication devices during the sequestration period. The enforcement of this policy is critical to the integrity of the election process.*

ABSENT VOTER COUNTING BOARD PROCEDURES: The work performed by a counting board is divided into two separate tasks: 1) “processing” absent voter ballots and absent voter ballot applications and 2) “counting” or tabulating the vote.

Processing: All valid absent voter ballots received by the clerk prior to Election Day are delivered to the absent voter counting board upon the commencement of the board’s work along with the corresponding absent voter ballot applications. Absent voter ballot applications for ballots which have not been returned by voters or are not valid are retained by the clerk and are not delivered to the counting board. The “processing” of absent voter ballots is divided into three steps as explained below.

While the processing steps may be tailored to meet administrative preferences, care must be taken to ensure that ballot secrecy is not compromised in any way.

Step 1 Materials: AV applications and corresponding return envelopes.

- Verify that the clerks’ record area of the return envelope was completed and that the return envelope was signed and dated by the voter. If the clerks’ record area of the return envelope is incomplete, return the unopened envelope and the corresponding absent voter ballot application to the clerk for immediate correction. If the return envelope was not signed by the voter, return the unopened envelope and corresponding absent voter ballot application to the clerk for review. A ballot returned to the clerk that does not bear the voter’s signature will be resubmitted to the counting board if the clerk is able to obtain the missing signature prior to 8:00 p.m. *Note: It is not necessary to return the envelope and corresponding absent voter ballot application to the clerk if the date is missing in the voter signature area of the return envelope; if such omission is found, continue processing.*

- If the clerk's record area of the return envelope was completed and the return envelope was signed and dated, open the return envelope and continuing processing.
- Highlight the voter's name in the Absent Voter Poll Book or Absent Voter (AV) List to indicate that a return envelope and corresponding application were received by the board for processing.

Step 2 Materials: Opened return envelope and AV Poll Book or AV List.

- Check the return envelope to determine if the voter received assistance in voting the ballot. If a notation indicating that assistance was provided appears on the envelope, check the "Remarks" page of the Poll Book to ensure that the assistance was noted by the clerk. If necessary, note that assistance was provided to the voter on the "Remarks" page in the Poll Book. The note should include the name of the voter and the name of the individual who provided the assistance.
- Without exposing any votes, verify that the number on the ballot stub agrees with the ballot number recorded for the voter in the Poll Book or on the AV list. If a ballot was not returned by the voter (the return envelope or secrecy envelope is empty), note the missing ballot on the "Remarks" page in the Poll Book. In making this notation, *do not* include the name of the voter involved.

If the ballot was returned in a secrecy envelope, the ballot and secrecy envelope may be removed from the return envelope to make the comparison. If the ballot was not returned in a secrecy envelope, first verify that the ballot was folded by the voter so that the votes are concealed before removing the ballot from the return envelope to make the comparison. If the ballot does not require a secrecy envelope but is not folded so that votes are concealed, properly refold the ballot. If the ballot must be placed in a secrecy envelope or refolded, care must be taken to avoid exposing any votes cast on the ballot.

If the ballot numbers do *not* agree, and no explanation for the discrepancy can be found (e.g., voters residing in the same household have switched their ballots), the ballot must be processed as a "challenged ballot." If the ballot numbers agree, continue processing.

- Set the return envelope aside for later return to the clerk.

Step 3 Materials: Secrecy envelope with ballot enclosed or ballot folded with votes concealed.

- Remove the numbered ballot stub. Once removed from the ballot the stub may be discarded or retained for audit purposes at the discretion of the counting board. Deposit the secrecy envelope containing the ballot or the folded ballot into a ballot container (if one was provided) or otherwise

secure the ballot for counting. *Do not remove the voted ballot from the secrecy envelope or unfold the ballot at this time.*

Counting: The counting or tabulation of votes cast on absent voter ballots is explained below.

Materials: Tabulator and secrecy envelopes with ballot enclosed or ballots folded with votes concealed.

- Test and prepare tabulator as required and complete “Election Inspector’s Preparation Certificate” in front of Poll Book.
- Remove anonymous ballots from secrecy envelopes and tabulate in multiples.
- Each ballot rejected by the tabulator must be *visually inspected* by an election inspector to *verify the reason* for the rejection. If the rejection is due to a “false read” the ballot must be duplicated by two election inspectors who have expressed a preference for different political parties.
- *The following steps are completed after 8:00 p.m., the close of the polls.* As noted above, a small number of return envelopes and corresponding applications must be retained for processing after the close of the polls. Check with the clerk to confirm that no additional ballots will be delivered for processing. Once all ballots have been delivered, complete the processing and tabulation of all remaining ballots.
- Once all ballots have been tabulated and all ballots requiring duplication have been duplicated and tabulated, compare the total number of ballots tabulated per the tabulator’s “public counter” to the total number of ballots delivered to the board for processing. *These totals must agree.*

If the total number of ballots tabulated and total number of ballots received for processing *do not agree*, attempt to identify the reason for the discrepancy. *Tip: Compare the applications to vote to the AV Poll Book or AV list. If after making this comparison the reason for the discrepancy is not identified, make a physical count of the ballots that were tabulated. To complete this check, it is recommended that the ballots be counted into stacks of 25. If the number of ballots equals the number of voters, the ballots must be retabulated. Contact the clerk for instructions.*

- If the total number of ballots tabulated and the total number of AV ballots delivered for processing agree (or the specific reason(s) for any discrepancies have been noted in the “Remarks” page of the

Poll Book, the Statement of Votes may be prepared. Complete the Statement of Votes as you would for any other precinct. In most cases, a minimum of three copies will be needed.

- Complete the “Certificate of Election Inspectors” in the back of the Poll Book. The following four questions must be answered:

The number of voters who were issued absentee ballots (according to this Poll Book) _____.

The number of absent voter ballot return envelopes received by the Board _____.

The number of *invalid* absent voter ballot return envelopes that the clerk did not deliver to Board (according to this Poll Book) _____.

The number of absent voters who did not return their absent voter ballot to the clerk (according to this Poll Book) _____.

- Complete all remaining Poll Book entries.
- Seal all ballots into an approved ballot container and record the seal number 1) in the Poll Book 2) on all three copies of the Statement of Votes and 3) on the Ballot Container Certificate. The sealing must be attested to by two election inspectors who have expressed a preference for different political parties.

If a mistake is made at the counting center and the container must be opened and resealed, the *replacement seal number* must be recorded on all documents listed above. Once the ballot container has been removed from the processing area of the counting place or precinct, it may not be opened unless authorized by the County Board of Canvassers.

MAINTAINING BALLOT SECRECY: To ensure the secrecy of all votes cast, it is recommended that the processing of several return envelopes and applications be delayed until after 8:00 p.m. This will allow a ballot that is received by the clerk just prior to 8:00 p.m. to be intermingled by the counting board with other ballots during processing and counting. This will, in effect, preserve the secrecy of the last ballot delivered to the counting board for processing and counting.

BALLOTS RECEIVED AFTER PROCESSING BEGINS: All valid absent voter ballots received by the clerk through 8:00 p.m. on Election Day must be delivered to the counting board with the corresponding absent voter ballot applications immediately upon receipt. It is the responsibility of the counting board to record the date of return in the poll book or on the AV list for each additional absent voter ballot received by the clerk and delivered to the board on Election Day.

EMERGENCY REQUESTS: In emergency situations only, a voter may apply for an absent voter ballot as late as 4:00 p.m. on Election Day. If an emergency application is received by the clerk, the counting board must be instructed to make the necessary entries in the poll book or on the AV list that would otherwise be completed by the clerk. Once the necessary entries are made, the application must be returned to the clerk to await the return of the ballot. If the requested ballot is voted and returned to the clerk by 8:00 p.m., the clerk records the date of the return on the corresponding application and delivers both the return envelope and completed application to the counting board; the counting board must then record the date of return in the poll book or AV list.